

17.07.2023
Sl. No.57
akd
[ALLOWED]

C. R. M. (DB) 2823 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 07.07.2023 in connection with Asansol North Police Station Case No.375 of 2022 dated 01.09.2022 under Sections 90/275/376/354D/506/406/415/420 of the Indian Penal Code and Sections 4/8 of the POCSO Act and subsequently charge sheet submitted under Sections 417/506/406/376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re: **Ananda Thander**

... .. Petitioner

Mr. Angshuman Chakraborty
Mr. Shashanka Shekhar Saha

... .. for the petitioner

Ms Anasuya Sinha
Mr. Pinak Kumar Mitra

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 325 days. It is further submitted there was love affair between two young persons. Allegation of inducing her to pay money to the petitioner is out and out false. Accordingly, he prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim. It is true she was minor at the time of the incident but she admits there was free mixing between them. Allegation of inducing the victim to part with money is not supported by contemporaneous documents. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely **Ananda Thander**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom

must be local, to the satisfaction of the learned Judge, Special Court under the POCSO Act-cum-Additional Sessions Judge, 2nd Court, Asansol, Paschim Bardhaman subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)